

ENTERED

June 13, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:19-CR-543
	§	
DELIDA MINDIETA, <i>et al</i> ,	§	
	§	
Defendants.	§	

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On June 12 and 13, 2019, both defendants separately moved for a continuance of the final pretrial conference and jury selection and trial because the United States Attorney was considering a consolidation of this case with a prosecution in the Western District of Texas (D.E. 15, 16).¹ The United States Attorney joined in the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7). Excludable delay is also available during the period that a transfer of the case is being considered. 18 U.S.C. § 3161(h)(1)(E).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

¹ The parties are reminded that they must file ONE joint motion for a continuance. In the future, motions for continuance of cases will be struck without notice for failure to file one motion.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendants' motions (D.E. 15, 16) and **CONTINUES** the final pretrial conference until **July 24, 2019, at 9:30 a.m.** before undersigned and schedules the jury selection and trial for **August 8, 2019, at 8:30 a.m.** before Hon. David S. Morales.

ORDERED this 13th day of June, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE